

# COUNTY OF YORK

## MEMORANDUM

**DATE:** May 4, 2005 (BOS Mtg. 6/21/05)

**TO:** York County Board of Supervisors

**FROM:** James E. Barnett, County Attorney

**SUBJECT:** Proposed amendment to County Code § 16-41, Graffiti

The 2005 General Assembly adopted House Bill 1877 (enacted as Chapter 614 of the 2005 Acts of the General Assembly) which amends Code of Virginia § 15.2-1812.2 in ways relevant to the County's graffiti ordinance. The County's ordinance is largely based on the statute, and tracks much of its language. I have drafted a proposed amendment to the County's ordinance incorporating changes to subparagraph (b) (1) which parallel changes to the statute which will be effective July 1 of this year. As you can see, as amended, the ordinance would be applicable to any willful and malicious damage to or defacement of public or private buildings, not limited to situations in which the damages are less than \$1,000.00. Moreover if the defacement is more than 20' off the ground or on a railroad or highway overpass, or committed at the direction of or in association of a criminal street gang, there will be a mandatory minimum fine of \$500.

In order to keep the County's ordinance consistent with the authorizing state statute, I recommend the adoption of Ordinance No. 05-15.

Barnett/3440:sw  
Attachment

- Ordinance No. 05-15